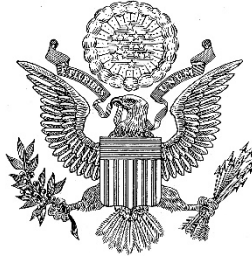


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October 25, 2024

Hon. Christian F. Hummel, U.S. Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

re: United States v. Kris Roglieri
Case No. 24-mj-261 (CFH)

Dear Judge Hummel:

At the close of the initial detention hearing held on June 3, 2024 the Court indicated that if the defense can come up with a risk or threat assessment and a counseling plan the Court would consider it after allowing the government to respond and would make a determination if it provided a sufficient basis for a further detention hearing. *See* Transcript of Detention Hearing held on 6/3/2024, Dkt#21, at pg. 20.

A risk assessment evaluation was conducted by New Paradigm Psychological Services, PLLC and a report was completed on October 15, 2024. That has been filed on the docket this afternoon as a medical record. The ultimate conclusion by Dr. Dodge was, "Given the totality known information at this time, it is the overall opinion of this evaluator that Mr. Roglieri's risk of violence

is minimal.” Put another way, it is not possible for any able-bodied man to have a lower risk of violence than Mr. Roglieri.¹

Based in part on that report Elizabeth Walker, DSW, LICSW, of the Federal Public Defender’s Office, NDNY, has prepared a detailed release and treatment plan.² Ms. Walker was not available to provide any assistance generating such a plan prior to the initial detention hearing in June because she was not employed by our office until July, and our office did not previously have any employees who were licensed social workers with a doctorate in social work and for that reason her plan provides “information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 1342(f)(2).

Finally, in the Court’s Decision and Order on August 5, 2024 to deny Mr. Roglieri’s request to reopen the detention hearing the Court noted that the defense “fails to address defendant’s history of owning numerous firearms.” Decision and Order, Dkt #32, at pg. 3. It is unclear to the defense why a citizen’s legal exercise of his rights pursuant to the Second Amendment to the Constitution would need to be addressed. Owning numerous firearms provides no greater inference of a danger of violence towards others than numerous exercises of one’s first amendment rights would necessarily infer any propensity to commit wire fraud.

That being said, Mr. Roglieri is an avid hunter and sports shooter (skeet and trap shooting). The majority of the firearms in his house on February 2, 2024 were inherited from his father when he passed away in 2022. As the Court is already aware, all firearms previously in his possession are

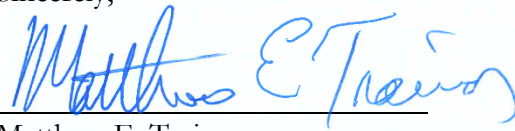
¹ To be fair, comatose or quadriplegic individuals could ostensibly be determined to have a lower risk of violence than Mr. Roglieri.

² Attached hereto as Exhibit 1.

now in the custody of third parties and out of Mr. Roglieri's control. The pending indictment alone is sufficient to prevent his legal acquisition of any new firearms.

Having provided information not available at the time of his detention hearing on June 3, 2024, Mr. Roglieri requests that the detention hearing be reopened so the Court can consider release on conditions that will mitigate any danger to the community, which is minimal based on the conclusions of Dr. Victoria Dodge.

Sincerely,



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cc: AUSA Joshua Rosenthal – via ECF
AUSA Michael Barnett – via ECF
USPO Amy Brancatelli – via email